George T. Ligler, Ph.D.   05/10/2006

139

Time	Line	
:37:09	1	surprised if it were a decade before.
12:37:11	2	**Q Does the size reducer of the '121 patent**
12:37:15	3	**reduce the size of images?**
12:37:19	4	A It generates reduced-size reproductions of
12:37:26	5	those images.
12:37:28	6	**Q Was Mr. Beaulier the first to design a**
12:37:32	7	**device that generated reduced-size images?**
12:37:34	8	A No, sir.
12:37:34	9	**Q Who was?**
12:37:36	10	A I don't know.
12:37:37	11	**Q When did it happen?**
12:37:38	12	A It would have been some years before.
37:40	13	**Q All right. It was known in the art,**
12:37:42	14	**correct?**
12:37:42	15	A Yes, sir, it was.
12:37:43	16	**Q Was Mr. Beaulier the first to develop a**
12:37:47	17	**product or a system that would generate reduced-size**
12:37:53	18	**images?**
12:37:54	19	A No, sir.
12:37:54	20	**Q Who did?**
12:37:54	21	A Well, the Taylor prior art '776 patent and
12:38:01	22	the '264 patent were two examples of systems --
12:38:05	23	**Q Okay.**
12:38:05	24	A -- that had within them circuitry that

C-053

George T. Ligler, Ph.D.   05/10/2006

140

:38:08	1	performed, although using different techniques,
12:38:12	2	image size reduction.
12:38:13	3	Q Can we agree that before April 1983 there
12:38:17	4	were people other than Ampex who had made electronic
12:38:19	5	still store systems?
12:38:20	6	A Yes, sir.
12:38:21	7	Q Can we agree that before April 1983 there
12:38:25	8	were people who had developed products that had size
12:38:30	9	reducers?
12:38:30	10	A Yes, sir.
12:38:30	11	Q Can we agree that before April 1983 there
12:38:34	12	were people who had developed systems that could
.38:37	13	reduce the size of video images?
12:38:40	14	A Yes, sir.
12:38:41	15	Q And can we agree that before April of 1983
12:38:44	16	there were people who had developed products or
12:38:46	17	systems to generate reduced-size images, correct?
12:38:49	18	A Yes, sir.
12:38:50	19	Q Can we also agree that before April 1983
12:38:52	20	there were people other than Mr. Beaulier who had
12:38:56	21	developed systems to automatically generate
12:39:00	22	reduced-size images, correct?
12:39:18	23	A The Hell Chromacom system and the Scan/Reco
12:39:25	24	station I believe had that capability. The -- the

C-054

LegaLink Boston, a Merrill Company
(617) 542-0039

George T. Ligler, Ph.D.   05/10/2006

253

00:23	1	**Q All right. Is there any reference in**
16:00:24	2	**either of the patents to a charge-coupled device?**
16:00:26	3	A Okay. I've answered the question for the
16:00:29	4	'121 in terms of the hint in column -- I've answered
16:00:33	5	that question previously, so I'll -- I'll now look
16:00:35	6	at this one.
16:00:36	7	**Q Well, I'm asking a slightly different**
16:00:38	8	**question --**
	9	A Oh, I'm -- I'm sorry.
16:00:38	10	**Q -- because I did ask you last time for a**
16:00:40	11	**hint.**
16:00:41	12	A Yes, sir.
00:41	13	**Q I'm now asking you is there a reference**
16:00:44	14	**expressly --**
	15	A Oh.
16:00:44	16	**Q -- in the '121 patent or the incorporated**
16:00:48	17	**by reference patent for a charge-coupled device?**
16:00:50	18	A Okay. For the '121 patent there is no
16:00:53	19	express reference, so now I will look at this other
16:00:55	20	one.
16:00:56	21	**Q Sure.**
16:00:56	22	A Thank you.
16:02:28	23	I don't see an express reference to a CCD,
16:02:30	24	no, sir.

C-055

George T. Ligler, Ph.D.   05/10/2006

254

Time	Line	
:02:30	1	**Q But we agreed that CCDs were known as of**
16:02:33	2	**the filing date of both of these patents?**
16:02:37	3	A Yes, sir.
16:02:38	4	**Q Okay. Is there any reference to a color**
16:02:43	5	**filter array in either of those two patents?**
16:02:46	6	A Not in -- an express reference?
16:02:48	7	**Q Yes.**
16:02:49	8	A Not in the '121, and I don't think so here
16:02:53	9	either, but I will check.
16:03:22	10	No express reference, no, sir.
16:03:23	11	**Q But color filter arrays were known in April**
16:03:26	12	**1983, correct?**
: 03:27	13	A Yes, sir, they were.
16:03:31	14	
16:03:33	15	
16:03:36	16	
16:03:37	17	
16:03:39	18	
16:03:41	19	**REDACTED**
16:03:41	20	
16:03:44	21	
16:03:44	22	
16:03:45	23	
16:03:47	24	

C-056

George T. Ligler, Ph.D.   05/10/2006

255

REDACTED

Q   Let me ask you to assume that you have a 3 million megapixel -- a 3 megapixel camera.

A   Okay.

Q   Okay? Do you have that in mind?

A   Yes, sir.

Q   If you have a 3 megapixel camera, how many pixels are interpolated in the CFA interpolation pro- -- process?

        MR. BEAMER: Objection, incomplete hypothetical.

A   Would -- would you care to put -- I was about to say, would you care to put a little more meat on those bones?

BY MR. LEE:

Q   Can you not answer that question?

A   It would depend on the design of the camera. The answer could be different.

REDACTED

C-057

:03:49	1
16:03:52	2
16:03:55	3
16:04:01	4
16:04:02	5
16:04:04	6
16:04:04	7
16:04:08	8
16:04:12	9
16:04:18	10
16:04:20	11
16:04:20	12
04:22	13
16:04:25	14
16:04:26	15
16:04:26	16
16:04:27	17
16:04:30	18
16:04:32	19
16:04:35	20
16:04:38	21
16:04:38	22
16:04:41	23
16:04:42	24

George T. Ligler, Ph.D.   05/10/2006

280

:47:23	1	REDACTED
16:47:24	2	BY MR. LEE:
16:47:24	3	Q Is pixel data, as that term is used in the
16:47:28	4	'121 patent, mathematical?
16:47:41	5	A Pixel data can be represented
16:47:43	6	mathematically. It can also -- its values can be
16:47:46	7	discerned on a display as well.
16:47:49	8	Q So is it your testimony that data -- strike
	9	that.
16:47:56	10	As the word "data" is used in claim 7, does
16:48:05	11	it refer to mathematical information?
16:48:09	12	MR. BEAMER: Objection.
48:16	13	A Data is represented using 1s and 0s which
16:48:23	14	is mathematical data, yes.
16:48:26	15	BY MR. LEE:
16:48:26	16	Q Okay. Let me show you -- you've referred
16:48:30	17	to Mr. Boncelet on a number of occasions.
16:48:33	18	A I have, yes.
16:48:33	19	Q You've reviewed his report, correct?
16:48:35	20	A His report, yes.
16:48:36	21	Q Have you reviewed this testimony?
16:48:38	22	A As I testified earlier today, only a
16:48:40	23	portion of it, sir.
16:48:41	24	Q Did you review his testimony concerning the

C-058

1   CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2   I, Joan V. Cain, the officer before whom

3   the foregoing proceedings were taken, do hereby

4   certify that the foregoing transcript is a true and

5   correct record of the proceedings; that said

6   proceedings were taken by me stenographically and

7   thereafter reduced to typewriting under my

8   supervision; and that I am neither counsel for,

9   related to, nor employed by any of the parties to

10   this case and have no interest, financial or

11   otherwise, in its outcome.

12   IN WITNESS WHEREOF, I have hereunto set my

13   hand and affixed my notarial seal this _15th_ day of

14   _May_____ 200_6_ .

15

16   My commission expires:

17   June 15, 2009

18

19   _Joan V. Cain_

20   NOTARY PUBLIC IN AND FOR THE

21   DISTRICT OF COLUMBIA

22

CERTIFIED ORIGINAL
LEGALINK BOSTON

C-059

George T. Ligler, Ph.D., Vol. 2   05/11/2006

342

1   IN THE UNITED STATES DISTRICT COURT

2   FOR THE DISTRICT OF DELAWARE

3   ------------------------------x

4   AMPEX CORPORATION,   )

5   Plaintiff,   )

6   v.   )   C.A. No.

7   EASTMAN KODAK COMPANY, et al.,   )   04-1373 (KAJ)

8   Defendants.   )

9   ------------------------------x

10   CERTIFIED ORIGINAL
                                           LEGALINK BOSTON

11

12   Videotaped Deposition of

13   GEORGE T. LIGLER, Ph.D.

14   Washington, D.C.

15   Thursday, May 11, 2006

16   9:38 a.m.

17   ,

18

19

20

21

22   Job No.: 22-77797

23   Pages 342 - 651, Volume 2

24   Reported By: Joan V. Cain

George T. Ligler, Ph.D., Vol. 2   05/11/2006

386

`:26:59	1	A Yes.
10:26:59	2	Q **Does it mean different things in those two**
10:27:02	3	**places?**
10:27:06	4	A The meaning in claim 7 is broader than the
10:27:10	5	meaning one would take if one restricted one's
10:27:15	6	definition of video to what is described as the
10:27:17	7	video mode in the Kodak cameras.
10:27:19	8	Q **Right. So the video mode of the Kodak**
10:27:22	9	**cameras is a subset within the broader category of**
10:27:26	10	**video as you've defined it, correct?**
10:27:29	11	A Yes.
10:27:29	12	Q **But that video mode doesn't satisfy the**
:27:31	13	**limitations of claim 7 or any of the other claims,**
10:27:35	14	**correct?**
10:27:35	15	A That's right.
10:27:36	16	Q **Why?**
10:27:39	17	A Okay. One has to look at the claims in
10:27:41	18	their entirety, and in the video mode, video mode
10:27:48	19	as -- as indicated in the user manuals -- it's also
10:27:53	20	called movie mode, but fine. It's called video mode
10:27:57	21	for at least a number of the cameras -- the claimed
10:28:03	22	reduced-size images are not generated in the manner
10:28:07	23	claimed. The multi-image display is not -- there is
10:28:15	24	not a multi-image display of the reduced-size images

George T. Ligler, Ph.D., Vol. 2   05/11/2006

387

10:28:18	1

that weren't generated as claimed anyway, generated

as -- as claimed. Those are two reasons.

     I -- I haven't looked element by element to

look at all the reasons.

     Q   Well, fair enough. But there is a video or

a movie mode in some of the accused products,

correct?

     A   Oh, yes.

     Q   That video or movie mode would satisfy your

definition of video. It would be a subset of your

definition of video, correct?

     A   Oh, yes.

     Q   It would also satisfy Kodak's definition of

video, correct?

     A   Kodak's current definition, and the reason

I hesitate is there have been a number of

definitions. Some of them it might not, but the

current definition it would, yes.

     Q   Right. And for the accused cameras that

have that video mode, none of them would literally

satisfy each and every limitation of the asserted

claims, correct?

     A   In that mode.

     Q   Yes.

C-062

REDACTED

George T. Ligler, Ph.D., Vol. 2   05/11/2006

                                                                        390

`:31:48	1
10:31:50	2
10:31:50	3
10:31:52	4
10:31:53	5
10:31:57	6
10:32:02	7
10:32:04	8
10:32:04	9
10:32:05	10
10:32:08	11
10:32:16	12
	13
	14
10:32:33	15
10:32:33	16
10:32:50	17
10:32:51	18
10:32:53	19
10:32:56	20
10:32:59	21
10:32:59	22
10:33:16	23
10:33:17	24

REDACTED

Q   Okay. Now, let me show you and mark as

Exhibit D-18 a document from Ampex Corporation

bearing Bates stamp No. AX D 009898 through 009915.

          (Ligler Deposition Exhibit D-18 was

marked for identification and was attached to the

deposition transcript.)

     A   Thank you.

BY MR. LEE:

     Q   Do you have Exhibit D-18 before you?

     A   Yes, sir. Excuse me. I'm just trying to

rearrange the papers a little. Yes, I do. Thank

you.

     Q   Have you seen it before?

     A   No.

     Q   Well, I'll represent to you that this is a

George T. Ligler, Ph.D., Vol. 2   05/11/2006

424

20:03   1   A   Information. If we're in the -- if we're

11:20:08   2   talking in the context of a computer system -- I

11:20:11   3   mean, data generally and broadly is information.

11:20:13   4   Q   Right.

11:20:14   5   A   But if we're talking in the -- you know,

11:20:16   6   presuming that we're talking in the context of a

11:20:18   7   computer system, it would be information represented

11:20:23   8   by electronic signals.

11:20:25   9   Q   Would it be numbers, if we're talking about

11:20:30   10   computers?

11:20:32   11   A   The data could be interpreted as numbers,

11:20:34   12   yes.

20:35   13   Q   So --

11:20:36   14   A   It -- it is stored as numbers.

11:20:38   15   Q   So let's break it down. So the data is

11:20:41   16   transmitted as electronic signals in computers,

11:20:44   17   correct?

11:20:44   18   A   Yes.

11:20:48   19   Q   And it is stored as numbers, correct?

11:20:52   20   A   It is stored as a binary pattern which can

11:20:54   21   be interpreted as a number, yes.

11:20:56   22   Q   Now, what is the definition of data to one

11:20:58   23   of ordinary skill in the art in 1983, as used in

11:21:04   24   claim 7?

C-065

George T. Ligler, Ph.D., Vol. 2   05/11/2006

426

Time	Line	
‵:09:29	1	THE VIDEOGRAPHER: This marks the beginning
12:09:30	2	of tape number 2, Volume 2, in the deposition of
12:09:34	3	Dr. Ligler. We're back on the record. The time's
12:09:37	4	12:09 p.m.
12:09:44	5	BY MR. LEE:
12:09:45	6	Q Dr. Ligler, are pixel values data?
12:10:04	7	A Sure.
12:10:04	8	Q And in the accused cameras, are pixel
12:10:08	9	values stored as data?
12:10:09	10	A Yes, sir.
12:10:18	11	Q In the '121 patent there is an embodiment
12:10:22	12	or an example disclosed, correct?
.10:24	13	A Yes, sir.
12:10:25	14	Q There are numbers transferred to bulk store
12:10:27	15	in that example, correct?
12:10:32	16	A Yes, sir.
12:10:32	17	Q Is it correct that those numbers are YCC
12:10:39	18	color values in the example described?
12:10:49	19	A A representation of YCC color values would
12:10:55	20	be transferred to disk, yes.
12:10:57	21	Q Is the --
12:10:58	22	A Or actually would be stored on disk. I'm
12:10:59	23	sorry. I misspoke. Beg your pardon.
12:11:01	24	Q Are the rep -- is the representation of YCC

C-066

George T. Ligler, Ph.D., Vol. 2   05/11/2006

427

Time	Line	
`:11:04	1	color values stored as numbers in the disclosed
12:11:08	2	example?
12:11:11	3	A Yes, sir.
12:11:11	4	Q Okay. Now, I want you to go back to the
12:11:14	5	time frame of 1983.
12:11:16	6	A Okay.
12:11:19	7	Q Would a person of ordinary skill in the art
12:11:21	8	in 1983 have understood that pixel values for
12:11:24	9	digital images could be stored in a frame store?
12:11:28	10	A Yes.
12:11:29	11	Q Same time frame, same person of ordinary
12:11:33	12	skill in the art. Would that person of ordinary
11:35	13	skill in the art in 1983 have understood that pixel
12:11:38	14	values for a digital image could be stored in a bulk
12:11:42	15	store?
12:11:43	16	A Yes.
12:11:43	17	Q Would a person of ordinary skill in the art
12:11:47	18	in 1983 understand that pixel values could be
12:11:50	19	transferred from a frame store to a disk store?
12:12:00	20	A With appropriate encodings, yes.
12:12:02	21	Q And when the pixel values were -- were
12:12:05	22	transferred, that would be the transfer of data,
12:12:08	23	correct?
12:12:09	24	A Yes.

C-067

George T. Ligler, Ph.D., Vol. 2   05/11/2006

438

:29:52	1
12:30:00	2
12:30:03	3
12:30:06	4
12:30:09	5
12:30:12	6
12:30:14	7
12:30:19	8
12:30:25	9
12:30:27	10
12:30:30	11
12:30:34	12

REDACTED

30:39	13
12:30:42	14
12:30:49	15
12:30:52	16
12:30:53	17
12:30:54	18
12:30:56	19
12:30:56	20
12:30:59	21
12:31:02	22
12:31:06	23
12:31:07	24

    Q   So which of the two is the first -- is the

first resolution, as that term is used in claim 7?

Do you have the question in mind? Do you remember

there's a first resolution --

    A   Sure.

    Q   -- of the full-size image?

    A   Right.

    Q   You just told me that there's a difference

between these two images in resolution. Which of

the two is the first resolution?

    A   Well, I didn't tell you there was a

difference between the images. I told you there was

                    C-068

513

Time	Line	
--:03:02	1	the words that were written in paper --
15:03:05	2	**Q** **Right.**
15:03:06	3	A -- 30 and --
15:03:07	4	**Q** **Paper 29 I believe it was.**
15:03:09	5	A What was it? I'll take your word for it.
15:03:11	6	**Q** **Take my word for it.**
15:03:13	7	A I'll take your word for it.
15:03:14	8	MR. BEAMER: It's paper 30.
15:03:16	9	BY MR. LEE:
15:03:16	10	**Q** **Okay. Well whatever it is, it's consistent**
15:03:18	11	**with that phrase I just read to you, right?**
15:03:20	12	A Whatever it is, it is consistent with that
:.03:23	13	phrase and inconsistent with what anyone of ordinary
15:03:27	14	skill in the art would think.
15:03:28	15	**Q** **Right. Answer my question now, and don't**
15:03:32	16	**embellish. Is the claim interpretation that Kodak**
15:03:38	17	**proposes consistent with the representation that**
15:03:41	18	**Ampex made to the Patent Office at page 61746 of the**
15:03:45	19	**file history?**
15:03:45	20	MR. BEAMER: Objection, mischaracterizes
15:03:47	21	the record.
15:03:48	22	A Yeah, representation, it is consistent with
15:03:52	23	the words on the page in that paper.
15:03:57	24	BY MR. LEE:

C-069

George T. Ligler, Ph.D., Vol. 2   05/11/2006

522

:23:03	1
15:23:05	2
15:23:09	3
15:23:10	4
15:23:15	5
15:23:19	6
15:23:24	7
15:23:27	8
15:23:34	9
15:23:36	10
15:23:44	11
15:23:49	12
23:51	13
15:23:54	14
15:23:54	15
15:23:54	16
15:24:01	17
15:24:02	18
15:24:03	19
15:24:05	20
15:24:08	21
15:24:10	22
15:24:12	23
15:24:14	24

read this -- this being the specification passage

you're asking me about -- and the CPU would make the

selection as to where the position is.

Q   So if the selection is made by the CPU,

then it is automatic, but if the selection's made by

the operator, it's not automatic, correct?

A   If the operator as stated in Ampex's

construction needs to orchestrate each step, I don't

think that's what's being discussed in the means

plus -- in the means plus function element, means

responsive to in claim 7.

Q   And the operator of a digital camera is the

person taking the picture or selecting the mode,

correct?

A   Yes.

Q   And if the operator is -- if the operator

or the person taking the picture --

A   Sure.

Q   -- is selecting the mode, that's not

automatic, correct?

A   Selecting the mode, the --

MR. BEAMER: Objection, incomplete

hypothetical.

A   The --

C-070

LegaLink Boston, a Merrill Company
(617) 542-0039

George T. Ligler, Ph.D., vol. 2   05/11/2006

523

Time	Line	
24:14	1	MR. BEAMER: Vague.
15:24:15	2	A The selection of a mode on the dial or
15:24:18	3	through some menu is not automatic that is -- on a
15:24:23	4	camera, that's correct.
15:24:25	5	BY MR. LEE:
15:24:25	6	Q **Now, where does the specification describe**
15:24:30	7	**the selective, that is automatic, transfer?**
15:24:35	8	A I'm sorry. We were discussing selective
15:24:39	9	generating.
15:24:40	10	Q **I'm sorry. Let's do that. Where does**
15:24:42	11	**it -- where does specification describe the**
15:24:43	12	**automatic generation?**
24:58	13	A Column 4, the size -- in the lines 1
15:25:10	14	through 7 discuss the operation of the size reducer,
15:25:17	15	that it's controlled by the CPU over the system bus
15:25:20	16	and it's operable to receive the data, and then the
15:25:25	17	data from the frame store to convert -- to do the
15:25:31	18	size reduction.
15:25:33	19	Q **Have you completed your answer?**
15:25:35	20	A No. And then in column 4, lines 52 to 54,
15:26:01	21	when describing the browsing mode, the patent
15:26:04	22	states, "This mode is useful when scanning all of
15:26:06	23	the images stored by the disk store." Well, for
15:26:13	24	this to be the case, scanning all of the images

George T. Ligler, Ph.D., vol. 2   05/11/2006

535

41:25	1	and output from RAM.

15:41:27   2   A   Okay.

15:41:27   3   Q   **Claim 7 requires RAM, correct?**

15:41:29   4   A   Yes, sir.

15:41:30   5   Q   **As you told me, RAM's going to have an**

15:41:33   6   **input and output, correct?**

15:41:34   7   A   There will be a means for inputting and

15:41:37   8   outputting, yes.

15:41:38   9   Q   **Claim 8 requires RAM, correct?**

15:41:40   10   A   Yes, sir, it does.

15:41:41   11   Q   **And it specifically requires an input port**

15:41:43   12   **and an output port?**

41:46   13   A   Yes.

15:41:46   14   Q   **So by your interpretation, the addition of**

15:41:48   15   **the words "an input port and an output port" add**

15:41:52   16   **nothing to claim 8 that's not in claim 7, correct?**

15:41:54   17   A   With regard to the RAM?

15:41:55   18   Q   **Yes.**

15:42:00   19   A   That's right.

15:42:01   20   Q   **Right. Now, if Kodak's definition is**

15:42:03   21   **adopted by the court, then the defendants' -- strike**

            22   **that.**

15:42:09   23   **If Kodak's definition is adopted by the**

15:42:12   24   **court, then the accused Kodak products would not**

C-072

George T. Ligler, Ph.D., Vol. 2   05/11/2006

536

:42:15	1	literally meet the input port and output port
15:42:18	2	requirement of claims 8 and 14, correct?
15:42:25	3	A In my view, they would not, that's right.
15:42:28	4	Q And do you know whether the phrase "input
15:42:29	5	port and output port" was added by amendment to the
15:42:32	6	claims?
15:42:34	7	A That we should review.
15:42:36	8	Q Well, if you don't know, we're not going to
15:42:39	9	take the time to do that.
15:42:41	10	A Okay.
15:42:41	11	Q Okay. You don't know without consulting
15:42:45	12	the file history?
42:45	13	A I think it was, but I'd like to confirm it.
15:42:48	14	Q All right. It's fine. I'll withdraw the
15:42:50	15	question.
15:42:51	16	A Okay.
15:42:51	17	Q Look at claim 12.
15:42:53	18	A Claim 12.
15:42:55	19	Q Right.
15:42:55	20	A Okay.
15:42:56	21	Q Claim 12 begins, "A video still store
15:43:04	22	system comprising."
15:43:07	23	A Yes, sir.
15:43:08	24	Q And you understand what a video still store

C-073

```
 1        CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

 2              I, Joan V. Cain, the officer before whom

 3    the foregoing proceedings were taken, do hereby

 4    certify that the foregoing transcript is a true and

 5    correct record of the proceedings; that said

 6    proceedings were taken by me stenographically and

 7    thereafter reduced to typewriting under my

 8    supervision; and that I am neither counsel for,

 9    related to, nor employed by any of the parties to

10    this case and have no interest, financial or

11    otherwise, in its outcome.

12              IN WITNESS WHEREOF, I have hereunto set my

13    hand and affixed my notarial seal this  15th  day of

14    ___May___ 2006.

15

16    My commission expires:

17    June 15, 2009

18

19

20    NOTARY PUBLIC IN AND FOR THE

21    DISTRICT OF COLUMBIA

22
```

CERTIFIED ORIGINAL
LEGALINK BOSTON

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2006, I electronically filed the Appendix to Defendants' Reply Brief in Further Support of Their Motion For Summary Judgment of Non-Infringement to with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Jack B. Blumenfeld, Esquire
Julia Heaney, Esquire
Morris, Nichols, Arsht & Tunnell
1201 N. Market Street
P.O. Box 1347
Wilmington, Delaware 19899

and that I caused copies to be served upon the following in the manner indicated:

VIA E-MAIL

Jesse J. Jenner, Esquire
Ropes & Gray LLP
1251 Avenue of the Americas
New York, NY 10020

VIA E-MAIL & FEDERAL EXPRESS

Norman H. Beamer, Esquire
Ropes & Gray LLP
525 University Avenue
Palo Alto, CA 94301

VIA E-MAIL & HAND DELIVERY

Jack B. Blumenfeld, Esquire
Julia Heaney, Esquire
Morris, Nichols, Arsht & Tunnell
1201 N. Market Street
P.O. Box 1347
Wilmington, Delaware 19899

> */s/ Collins J. Seitz, Jr.*
> Collins J. Seitz, Jr. (Bar No. 2237)
> Connolly Bove Lodge & Hutz LLP
> P.O. Box 2207
> 1007 North Orange Street
> Wilmington, DE 19899

<u>CERTIFICATE OF SERVICE</u>

I hereby certify that on June 27, 2006, I electronically filed the Redacted Appendix to Defendants' Reply Brief in Further Support of Their Motion for Summary Judgment of Non-Infringement with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Jack B. Blumenfeld, Esquire
Julia Heaney, Esquire
Morris, Nichols, Arsht & Tunnell
1201 N. Market Street
P.O. Box 1347
Wilmington, Delaware 19899

and that I caused copies to be served upon the following in the manner indicated:

<u>**VIA E-MAIL**</u>

Jesse J. Jenner, Esquire
Ropes & Gray LLP
1251 Avenue of the Americas
New York, NY 10020

<u>**VIA E-MAIL & FEDERAL EXPRESS**</u>

Norman H. Beamer, Esquire
Ropes & Gray LLP
525 University Avenue
Palo Alto, CA 94301

<u>**VIA E-MAIL & HAND DELIVERY**</u>

Jack B. Blumenfeld, Esquire
Julia Heaney, Esquire
Morris, Nichols, Arsht & Tunnell
1201 N. Market Street
P.O. Box 1347
Wilmington, Delaware 19899

       /s/ Collins J. Seitz, Jr.
       Collins J. Seitz, Jr. (Bar No. 2237)
       Connolly Bove Lodge & Hutz LLP
       P.O. Box 2207
       1007 North Orange Street
       Wilmington, DE 19899